

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Birk, et al.) Group Art Unit: 3733
)
 5 Application No.: 10/562,954)
) Examiner: Elana Beth Fisher
 Filing Date: December 30, 2005)
) Confirmation No.: 8688
 For: IMPLANTABLE DEVICE FASTENING)
 10 SYSTEM AND METHODS OF USE) **Customer No.: 51957**
)

 Mail Stop AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 15 Alexandria, VA 23213-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

20 Attached is a PTO/SB/08a form listing certain reference in accordance with the duty of disclosure under 37 C.F.R. §1.97. A copy of any non-U.S. patent publication is attached.

By submitting this Information Disclosure Statement, Applicants make no admission that any item listed thereon is material to the patentability of the invention claimed in the above-reference application. Further, Applicants make no assertion that a search was conducted, or if
 25 conducted, that any search was thorough.

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action on the merits (a Restriction Requirement is not considered to be “on the merits”), and thus pursuant to 37 C.F.R. §1.97(b)(3) no fee is believed due.

30 Respectfully submitted,

Date: May 19, 2009

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